

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: ARMODAFINIL PATENT LITIGATION	)	MDL Docket No. 1:10-md-2200-GMS
CEPHALON INC. and CEPHALON FRANCE,	)	
Plaintiffs,	)	
v.	)	
MYLAN PHARMACEUTICALS INC.,	)	Civil Action No.1:09-cv-954-GMS
Defendant.	)	
	)	REDACTED VERSION
	)	Filed: April 10, 2012
CEPHALON INC. and CEPHALON FRANCE,	)	
Plaintiffs,	)	
v.	)	
WATSON LABORATORIES, INC.,	)	Civil Action No. 1:10-cv-7-GMS
Defendant.	)	
	)	
CEPHALON INC. and CEPHALON FRANCE,	)	
Plaintiffs,	)	Civil Action No.1:10-cv-55-GMS
v.	)	Civil Action No.1:11-cv-782-GMS
SANDOZ INC.,	)	
Defendant.	)	
	)	
CEPHALON INC. and CEPHALON FRANCE,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 1:10-cv-210-GMS
LUPIN LIMITED,	)	
Defendant.	)	
	)	
CEPHALON INC. and CEPHALON FRANCE,	)	
Plaintiffs,	)	Civil Action No.1:10-cv-695-GMS
v.	)	Civil Action No.1:10-cv-1078-GMS
APOTEX INC.,	)	
Defendant.	)	
	)	

**DECLARATION OF MARY W. BOURKE IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND A PRELIMINARY INJUNCTION**

1. I am a partner of the law firm of Connolly Bove Lodge & Hutz LLP located at 1007 N. Orange St., P.O. 2207, Wilmington, DE 19899. Connolly Bove Lodge & Hutz LLP is counsel for Plaintiffs Cephalon, Inc. and Cephalon France, (collectively, "Cephalon") in the above-captioned matter, and I have made an appearance as an attorney of record in this matter.

2. I submit this declaration in support of Plaintiffs' Memorandum of Law in Support of Their Motion for a Temporary Restraining Order and a Preliminary Injunction.

3. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 7,132,570.

4. Attached as Exhibit 2 is a true and correct copy of the January 11, 2010 PR Newswire article *Mylan Confirms First-to-File Patent Challenge Relating to Sleep-Disorder Drug Nuvigil®*.

5.   


6. Attached as Exhibit 4 is a true and correct copy of an excerpt from the Transcript of the April 6, 2011 Scheduling Conference from this matter, *In re Armodafinil Patent Litigation*, MDL Docket No. 1:10-md-2200-GMS (D.N.J.).

7. Attached as Exhibit 5 is a true and correct copy of U.S. Patent No. 4,927,855.

8. Attached as Exhibit 6 is a true and correct copy of an excerpt from the Responsive Expert Witness Report of Joel Bernstein, Ph.D.

9. Attached as Exhibit 7 is a true and correct copy of the July 7, 2006 Office Action of the U.S. Patent and Trademark Office bearing Bates Numbers CEPH00047187-203, excerpted from the produced file history of U.S. Patent No. 7,132,570.

10. Attached as Exhibit 8 is a true and correct copy of the June 1, 2006 Declaration of Matthew L. Peterson, Ph.D. bearing Bates Numbers CEPH00046919-28, excerpted from the produced file history of U.S. Patent No. 7,132,570.

11. Attached as Exhibit 9 is a true and correct copy of the June 1, 2006 Declaration of Erwin Blomsma, Ph.D. bearing Bates Numbers CEPH00046907-18, excerpted from the produced file history of U.S. Patent No. 7,132,570.

12. Attached as Exhibit 10 is a true and correct copy of the June 7, 2006 Declaration of John P. Mallamo, Ph.D. bearing Bates Numbers CEPH00046929-51, excerpted from the produced file history of U.S. Patent No. 7,132,570.

13. Attached as Exhibit 11 is a true and correct copy of August 8, 2006 Notice of Allowability and Notice of Allowance bearing Bates Numbers CEPH00047380-86, excerpted from the produced file history of U.S. Patent No. 7,132,570.

14. Attached as Exhibit 12 is a true and correct copy of an excerpt from the transcript of the January 24, 2012 Deposition of Allan S. Myerson.

15. Attached as Exhibit 13 is a true and correct copy of an excerpt from the Responsive Expert Report of Allan S. Myerson, Ph.D.

16. Attached as Exhibit 14 is a true and correct copy of an excerpt from the Rebuttal Expert Report of Stephen B. Robie, Ph.D.

17. Attached as Exhibit 15 is a true and correct copy of an excerpt from the transcript of the January 12, 2012 Deposition of Joel Bernstein, Ph.D.

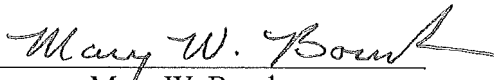
18. Attached as Exhibit 16 is a true and correct copy of an excerpt from the transcript of the February 6, 2012 Deposition of Jerry L. Atwood, Ph.D.

19. Attached as Exhibit 17 is a true and correct copy of an excerpt from the Opening Expert Witness Report of Dr. Mark Hollingsworth.

20. Attached as Exhibit 18 is a true and correct copy of an excerpt from the Transcript of the February 2, 2012 Proceedings of *Warner Chilcott Labs. Ireland Ltd. v. Mylan Pharma, Inc.*, No. 2:09-cv-2073-WJM MF (D.N.J.).

I declare under penalty of perjury that the factual statements contained herein are known by me or believed by me to be correct.

DATED: April 3, 2012

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Mary W. Bourke